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IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF OREGON

D.N.,¹

Plaintiff,

v.

United States of America,

Defendant.

Civil No. 09-6180-AA

UNITED STATES' MOTION TO
DISMISS AND ALTERNATIVE
MOTION FOR SUMMARY
JUDGMENT

The United States of America, by and through its undersigned counsel, hereby moves this Court to dismiss this action for failure to state a claim on which relief may be granted pursuant to Rules 12(b)(6) of the Federal Rules of Civil Procedure or, in the alternative, grant summary judgment in favor of the United States pursuant to Rules 12(d) and 56 of the Federal Rules of Civil Procedure.

¹ Pursuant to Local Rule 5.5(a)(2), Plaintiff is herein referred to by his initials.

1 A memorandum in support of this motion is submitted herewith.

2 DATED this 21st day of September, 2009.

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8 By: /s/ Alexis V. Andrews
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